

PATENT COOPERATION TREATY

PCT

10/532570

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference LU6061/CB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/11680	International filing date (day/month/year) 22/10/2003	(Earliest) Priority Date (day/month/year) 25/10/2002
Applicant BASELL POLYOLEFINE GMBH		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II):

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

RACEMOSELECTIVE PREPARATION OF ISOLABLE ANSA-METALLOCENE BIPHENOXIDE COMPLEXES

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

CT/EP 03/11680

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07F17/00 C08F10/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07F C08F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02 00672 A (BRINTZINGER HANS H ; BASELL POLYOLEFINE GMBH (DE); DAMRAU ROBERT (D) 3 January 2002 (2002-01-03) the whole document	1-13
X	SCHMIDT ET AL: "photochemical isomerization of me ₂ si-bridged zirconocene complexes. application to stereoselective synthesis of ansa-zirconocene binaphtholate stereoisomers" ORGANOMETALLICS, WASHINGTON, DC, US, vol. 16, no. 8, 15 April 1997 (1997-04-15), pages 1724-1728, XP002089634 ISSN: 0276-7333 the whole document	1-13

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

3 February 2004

Date of mailing of the international search report

17/02/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Rinkel, L

INTERNATIONAL SEARCH REPORT

International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 99 15538 A (BRINTZINGER HANS H ;DAMRAU HANS ROBERT HELLMUTH (DE); TARGOR GMBH) 1 April 1999 (1999-04-01) cited in the application the whole document	1-13
X	DAMRAU, H.-R. H. ET AL.: "racemo-selective synthesis of ansa-zirconocene derivatives from zirconium biphenolate complexes" ORGANOMETALLICS, vol. 20, no. 25, 2001, pages 5258-5265, XP002268871 the whole document	1-13

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-10

Process for preparing racemic metallocene biphenoxide complexes

2. Claims: 11-13

Racemic metallocene biphenoxide complex and its use in olefin polymerization

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Present claims 1-13 relate to an extremely large number of possible compounds, their preparation and use. Support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of these compounds, their preparation and use claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the racemic metallocene complexes, their preparation and use whereby "Y" equals oxygen.

Please note that e.g. claim 1 relates to "A process for preparing racemic metallocene BIPHENOXIDE complexes...", and claim 11 to "...racemic metallocene BIPHENOXIDE complex..."

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP 03/11680

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/11680

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 0200672	A	03-01-2002	DE	10030638 A1	10-01-2002
			AU	8578601 A	08-01-2002
			CN	1447816 T	08-10-2003
			WO	0200672 A1	03-01-2002
			EP	1294734 A1	26-03-2003
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WO 9915538	A	01-04-1999	DE	19741876 A1	25-03-1999
			AT	232538 T	15-02-2003
			BR	9812084 A	26-09-2000
			CN	1271362 T	25-10-2000
			DE	59807204 D1	20-03-2003
			WO	9915538 A1	01-04-1999
			EP	1017702 A1	12-07-2000
			ES	2192791 T3	16-10-2003
			JP	2001517673 T	09-10-2001
			US	6262286 B1	17-07-2001
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